

REMARKS

Claims 1-20 are pending in the application. Claims 1-20 stand rejected. Claims 1, 7, and 15 have been amended. No new matter has been added.

Rejection of Claims under 35 U.S.C. §102

Claims 1-4, 7-10 and 13-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dilip, et al., U.S. Patent No. 6,704,409. Applicants respectfully traverse this rejection.

Two limitations of amended independent claim 1 are repeated below:

means for determining the media formats the one or more agents are authorized to access,
wherein
the media formats each of the one or more agents is authorized to access comprise
at least one of the different media formats; and
means for assigning, in response to the determining, the one or more agents to handle the
first and second requests based on the media formats of the first and second
requests and the media formats the one or more agents are authorized to access.

Amended independent claims 7 and 15 contain substantially the same limitations.

With regard to Applicants' argument that Dilip does not teach the concept of media formats the one or more agents can access, the Office Action mischaracterizes Applicants' argument and concludes that the argument is irrelevant. (See Office Action dated November 3, 2005, page 4, section 5, second paragraph.) Applicants have amended the claims to clarify this distinction, and will demonstrate the relevance of the previously-presented arguments, particularly in light of the amendments made herein.

Whether Dilip teaches the claim limitation of "determining a media format the one or more agents are authorized to access" is certainly relevant to the patentability of claims 1, 7, and 15. Dilip clearly does not directly teach determining the media formats the agent is authorized to use. Applicants have further shown that Dilip's teachings cannot be interpreted to suggest the

need for determination of a media format as part of the process of assigning an incoming request.

The following excerpt quotes Applicants' response directly:

Rather than consider the media format that an agent can use, the system taught by Dilip processes transactions according to a transaction type of 'real-time' vs. 'non-real-time.' ... A transaction type of "real-time" vs. "non-real-time" is not determined by a media format of a communication channel used to communicate the transaction. Therefore ... Dilip does not teach determining the media formats that the agents can access.

Applicants have demonstrated that the transactional processing described by Dilip cannot be interpreted to suggest determining the media formats that an agent is authorized to access (i.e., determining which of a number of media formats the agent is authorized to access). As an example, but only one example of many, a situation can arise in the use of the claimed invention in which two or more "real-time" (or "non-real-time") transactions are the subject of the claimed determining and assigning, a situation which the claimed invention handles with aplomb. Dilip, in contrast, is completely incapable of making such a distinction. Furthermore, because Dilip does not analyze (and so determine) the media formats that agents are authorized to access, Dilip cannot use the media formats the agents are authorized to access to make a decision in assigning agents to handle requests, as required by the second limitation of claim 1 repeated above. Management of requests based on such a parameter is simply not taught by Dilip. This infirmity results from the fact that Dilip lacks the concept of authorization.

The claimed invention's use of authorization, combined with the use of multiple media formats, clearly distinguishes over Dilip. By allowing assignment to be controlled by agent authorization to access only certain of the different media (as determined by the claimed determination), the claimed invention provides a vastly more flexible solution than that disclosed in Dilip, and indeed, than is available in the prior art generally. Applicants have thus shown that neither of the above-cited claim limitations is taught by Dilip.

Further in response to Applicants' argument that Dilip does not teach determining the media formats that agents can access, the Office Action states the following:

In the art of ACDs [Automatic Call Distribution], 'determining the media formats that agents can access' may be interpreted as looking up to see what media is assigned to what agent. The above feature with its interpretation is notoriously well known in the art of ACDs.

Applicants respectfully disagree with this interpretation, because such a determination is unnecessary in an ACD (as explained subsequently, such systems are dedicated to a single media type (i.e., telephone calls)). Applicants therefore respectfully submit that the concepts the Office Action asserts to be well known is, in fact, not. In traversing the assertion, Applicants respectfully request that the Examiner cite a reference in support of her position as required by 37 CFR 1.106(b), which provides: "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." If it is the Examiner's position that the rejection is based on her personal knowledge, Applicants respectfully request that the facts be supported by an affidavit from the Examiner in accordance with MPEP § 2144.03 and 37 CFR § 1.107.

Assume for the purposes of argument only that looking up the media assigned to an agent is known in the art (a point that Applicants do not concede). Such a lookup need be performed only when the media assigned to an agent are not known in advance of the assignment of the request. Applicants respectfully submit that, in ACD systems, agents are assigned to media formats based upon the equipment available at the workstation where the agent works. This argument is supported by the example provided in the Office Action itself:

In addition, note that Dilip teaches: an agent who [is] assigned a telephone and not a computer handles telephone call transaction[s].... [whereas] an agent who [is] assigned a computer and not a telephone handles e-mail messages.

(See Office Action dated November 3, 2005, page 4, section 5, last paragraph, next-to-last sentence.) As will be appreciated, the agent's workstation and/or other equipment do not change on a regular basis. Therefore, the claimed requirement to look up the media assigned to the agent prior to assigning a request distinguishes the claimed invention over the prior art.

Fundamentally, in a system according to Dilip, the media an agent can access is known *a priori*, and is set by the equipment available to the agent. In the claimed invention, an agent may have available a wide array of media, but only be authorized for some subset thereof. Moreover, an agent's authorization, alterable in a dynamic fashion, can change over time. This provides, among other advantages, the flexibility lacking in Dilip, and, in fact, in the prior art.

Furthermore, in a system where there is no need to look up the media format assigned to an agent, the media format assigned to the agent in response to the determination cannot be used to assign the incoming request, as required by the second claim limitation quoted above.

Because all limitations of the independent claims are not taught by the Dilip reference in combination with the teachings of the prior art, Applicants respectfully submit that independent claims 1, 7, and 15 are allowable, along with respective dependent claims 2-6, 8-14, and 16-20.

Rejection of Claims under 35 U.S.C. §103

Claims 5, 6, 11, 12, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dilip, et al., U.S. Patent No. 6,704,409, in view of Miloslavsky, U.S. Patent No. 5,915,011. Applicants respectfully traverse this rejection.

The Office Action states that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the feature of allowing an agent to

decline or route a request to another agent, as taught by Miloslavsky, in Dilip's system thus making the system more efficient by allowing the customer to receive the best service from an agent who has specific skills and knowledge and is able and ready to provide the needed service." (See Office Action, page 4, second paragraph). Applicants respectfully disagree.

Applicants respectfully submit that a case of *prima facie* obviousness is lacking. Dilip and Miloslavsky are not properly combinable because the intended function of Dilip's transaction processing system would be destroyed by modifying it as described in the Office Action. Dilip uses a centralized transaction controller to assign respective priorities to incoming requests. Dilip's transaction processing system also determines whether an agent is available to receive the highest priority request and provides the highest priority request to an available agent. (See Dilip, Abstract.) Dilip's transaction controller may also associate a Quality of Service (QoS) with each received transaction. (*Id.*)

Assigning priorities and meeting QoS requirements are tasks that require knowledge of transaction queues and priorities of other pending requests. Consequently, the system of Dilip is unlikely to be modified to allow an available agent to decline a request or route a request to another agent, as this would conflict with the intended function of Dilip's transaction processing system. For example, the agent will not have knowledge of the transaction queues and priorities of other pending requests. Providing the ability for an agent to override the priority and queuing system could compromise the ability to meet QoS standards, which directly conflicts with the purpose of Dilip's transaction processing system. One of ordinary skill in the art would thus have no motivation to modify Dilip's transaction processing system with the rerouting and declining features of Miloslavsky's system.

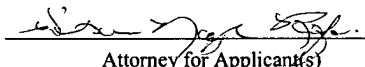
Further with regard to the rejection of claims 5, 6, 11, 12, 19, and 20, each of claims 5, 6, 11, 12, 19, and 20 depends from one of independent claims 1, 7, and 15. Independent claims 1, 7, and 15 have been shown to be allowable over the Dilip reference standing alone.

Accordingly, claims 5-6, 11, 12, 19 and 20 are allowable for at least the foregoing reasons.

CONCLUSION

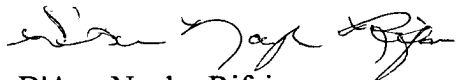
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on January 6, 2006.


Attorney for Applicant(s)

1/6/06
Date of Signature

Respectfully submitted,



D'Ann Naylor Rifai
Attorney for Applicants
Reg. No. 47,026
(512) 439-5086 [Phone]
(512) 439-5099 [Fax]